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COUNTRY: ARGENTINA (AR)

REPORT NO: [redacted] (b)(3):10 USC 424

TITLE: Political/Military - Government of Argentina Response to Inter-American Human Rights Report (U)

DATE OF INFO: 800424 (YY MM DD) (b)(3):10 USC 424

REPORT DATE: 800514 (YY MM DD) (b)(3):10 USC 424

ORIGINATOR: [redacted]

REQ REFERENCES: [redacted]

SOURCE: American Embassy Cable

SUMMARY: (U) This report forwards an American Embassy Buenos Aires description of the Government of Argentina reaction to the Inter-American Human Rights Commission Report.

ORIG COMMENTS: ~~(C)~~ Human Rights considerations are not exciting much intra-service friction. There are decreasing amounts of attention being devoted to this topic as an internal political issue and as noted in the enclosure, military "hardliners" will not find it easy to challenge the Lt Gen. Viola presidential candidacy on this issue.

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SUPPLEMENTAL DATA

(b)(3):10 USC 42

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FROM: AMEMBASSY BUENOS AIRES

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TAGS: OAS SHUM AR

SUBJECT: (U) GOA RELEASES INTER-AMERICAN HUMAN RIGHTS COMMISSION REPORT ON ARGENTINA

ACTION: SECSTATE WASHDC PRIORITY

INFO: AMEMBASSY ASUNCION
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1. ~~(C)~~ SUMMARY: LAST SATURDAY THE ARGENTINE GOVERNMENT RELEASED A SUMMARY OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) REPORT ON ARGENTINA WHICH--THOUGH IT WAS HARDLY A WARTS-AND-ALL PORTRAIT (NO SPECIFIC CASES WERE CITED, FOR EXAMPLE)--TESTIFIED THAT EXTREMELY HARSH MEASURES HAVE BEEN TAKEN IN THIS COUNTRY AGAINST SUBVERSION AND TERRORISM -- LIKE TORTURE AND DISAPPEARANCES. ON

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SUNDAY THE GOVERNMENT PUBLISHED ITS REBUTTAL WHICH, NOT SURPRISINGLY, WAS CALCULATED OVERKILL. MOSTLY THE REBUTTAL DEALT WITH THE HISTORIC SETTING OF THE GOVERNMENT'S REPRESSIVE ACTION, AND WITH LEGAL NICETIES THE COMMISSION FAILED TO OBSERVE. INTERESTINGLY, THE REBUTTAL DID NOT FRONTALLY DISCLAIM THE ACTS WITH WHICH THE GOVERNMENT IS CHARGED.

2. ~~(C)~~ THE COMMISSION'S REPORT IS THE LONG AWAITED "OTHER SHOE TO DROP." (THE FIRST WAS OUR OWN REPORT TO THE CONGRESS.) IT LOOKS TO US/NOW THAT THE GOVERNMENT'S HANDLING OF THE REPORT HAS BOTH PLACATED ITS DOMESTIC HUMAN-CIVIL-LEGAL RIGHTS CONSTITUENCY AND DE-FANGED MILITARY HARDLINERS WHO EARLIER APPEARED GLEEFUL AT THE IDEA OF USING THE REPORT'S EXPECTED SEVERITY WITH ARGENTINA AS A WHIP TO BEAT THE VIDELA REGIME. END SUMMARY.

3. (U) ON SATURDAY APRIL 19 THE GOA, AS PROMISED (REFTEL), RELEASED THE INTER-AMERICAN HUMAN RIGHTS COMMISSION'S SUMMARY OF ITS REPORT ON ARGENTINA. THE ARGENTINE PRESS FRONT-PAGED THE RELEASE BUT WITH LITTLE OTHER FANFARE, CONSIDERING THE BIG BUILD-UP GIVEN THE PREVIOUS WEEK. THE GOA RESPONSE TO THE COMMISSION'S FINDINGS WAS CARRIED IN SUNDAY'S PRESS AND, JUDGING FROM ACCOMPANYING OR FOLLOW-UP EDITORIALS AND COMMENTS IT APPEARS THAT THE GOA HAS SUCCESSFULLY GOTTEN OVER WHAT MANY HAD ASSUMED WOULD BE A GREAT HURDLE IN

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DOMESTIC POLITICS.

4. (U) IN THE SUMMARY PREPARED BY THE COMMISSION AND PRESENTED HERE, COMMISSION MEMBERS FOUND THAT ARGENTINA'S VIOLATIONS HAD AFFECTED THE FOLLOWING HUMAN RIGHTS:

--THE RIGHT TO LIFE: THAT MEMBERS OF THE SECURITY FORCES HAD KILLED NUMEROUS PERSONS; THAT THOUSANDS OF DISAPPEARED DETAINEES WERE PRESUMED DEAD.

--THE RIGHT TO PERSONAL LIBERTY: THAT NUMEROUS PERSONS WERE BEING HELD INDISCRIMINATELY UNDER PEN ("PODER EJECUTIVO NACIONAL"), AND THAT PROLONGED DETENTION IN ITSELF CONSTITUTES A PENALTY.

--THE RIGHT TO JUSTICE: THAT THE JUDICIAL BRANCH IS RESTRICTED IN CARRYING OUT ITS DUTIES; THAT THE SYSTEM INEFFICIENTLY HANDLES HABEAS CORPUS PETITIONS; THAT LAWYERS ARE RESTRICTED IN CARRYING OUT THEIR FUNCTIONS FOR REASONS OF THEIR OWN PERSONAL SECURITY AND THAT MANY HAVE ENDED UP DEAD, DISAPPEARED OR ARRESTED FOR HAVING HANDLED UNPOPULAR CASES.

--THE COMMISSION ALSO POINTED OUT THAT FREEDOM OF EXPRESSION WAS LIMITED IN ARGENTINA: THAT RIGHTS OF UNIONS HAD BEEN RESTRICTED, AND THAT POLITICAL PARTIES HAD BEEN SUSPENDED. / ALTHOUGH RELIGIOUS DISCRIMINATION EXISTS. IN GENERAL RELIGIOUS FREEDOM WAS RESPECTED, THE SUMMARY RELEASED SAID, EXCEPT IN THE CASE OF THE JEHOVAH'S WITNESSES. THERE HAD BEEN NO OFFICIAL POLICY OF ANTI-SEMITISM.

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--THE COMMISSION ALSO NOTED THAT AFTER ITS VISIT THE SITUATION IN ARGENTINA HAD IMPROVED AND SINCE OCTOBER NO DISAPPEARANCES HAD BEEN REPORTED.

5. (U) THE GOA RESPONSE TO THE IAHRC REPORT, INTERESTINGLY, DID NOT DIRECTLY DENY ANY OF THE CHARGES LEVELED AGAINST IT. INSTEAD THE GOA TOOK THE TACK THAT THE REPORT WAS INVALID IN MANY OF ITS SPECIFIC POINTS FOR SEVERAL REASONS, AND THAT THE COMMISSION DID NOT STRESS THE HISTORICAL EVENTS WHICH LED TO THE "DIRTY WAR". NOR DID IT GIVE ARGENTINA--SO THE REBUTTAL WENT--ENOUGH CREDIT FOR THE IMPROVEMENTS IT HAS BEEN MAKING IN THE AREA OF HUMAN RIGHTS.

6. (U) ACCORDING TO THE GOA THE REPORT CONTAINS THE FOLLOWING DEFECTS:

--IT IS NOT OBJECTIVE: IT CONTINUOUSLY CRITICIZES THE GOVERNMENT, INCLUDING THE JUDICIAL POWER; THE POSITIVE IS MINIMIZED WHILE EVERY DISFAVORABLE ELEMENT IS STRESSED.

--THE EXISTENCE OF PRECONCEPTIONS IS EVIDENT IN THE REPORT. IT DOES NOT APPEAR THAT THE REPORT TRIES TO ESTABLISH WHAT IS THE TRUTH BUT RATHER TO FIND ARGUMENTS TO PROVE CONCLUSIONS ELABORATED BEFOREHAND.

--THE REPORT JUMPS TOWARD SPECULATIVE CONCLUSIONS, SUCH AS THAT TERRORISM DOES NOT DEVELOP IN DEMOCRATIC COUNTRIES, NOR IN COUNTRIES WITH PROGRESSIVE ECONOMIC

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AND SOCIAL CONDITIONS.

--THE METHODOLOGY USED BY THE COMMISSION TENDS TO DISTORT THE TRUTH, BY COLLECTING INDIVIDUAL UNPROVEN DENUNCIATIONS.

--MANY OF THE CASES MENTIONED IN THE REPORT SHOULD NOT HAVE BEEN INCLUDED SINCE THEY WERE STILL UNDERGOING JUDICIAL PROCESS.

--THE REPORT IGNORES THE ARGENTINE REALITY OF THE PAST DECADE. WITHOUT KNOWLEDGE OF THIS IT IS IMPOSSIBLE TO UNDERSTAND THE CURRENT AND PAST SITUATION. THE REPORT DOES NOT CONCERN ITSELF FOR EXAMPLE WITH THE TERRORIST AGRESSION, THE MAGNITUDE AND CONSEQUENCES OF WHICH JUSTIFIED THE MEASURES WHICH WERE ADOPTED TO DEFEND SOCIETY. THESE MEASURES WERE SYSTEMATICALLY CRITICIZED IN THE REPORT AND [redacted] THE STATE OF EMERGENCY WAS FREQUENTLY REFERRED TO NEGATIVELY.

--THE VISIT OF THE COMMISSION DID NOT CORRESPOND TO THE PURPOSE SET FORTH IN THE INVITATION FROM THE GOVERNMENT OF ARGENTINA. INSTEAD OF FACING THE ARGENTINE REALITY AND DEALING WITH THINGS IMPARTIALLY, THE COMMISSION COLLECTED NEW DENUNCIATIONS AND MADE CONTACT WITH MINORITY GROUPS WHO DO NOT REFLECT A TRUE CONSENSUS OF THE MAJORITY OF THE NATIONAL COMMUNITY.

--THE REPORT DOES NOT DEAL WITH THE MOST IMPORTANT

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ELEMENT NECESSARY IN ANY ANALYSIS OF THE ARGENTINE SITUATION, WHICH IS THE IMPROVEMENT THAT HAS TAKEN PLACE IN THE PAST FEW YEARS AND WHICH HAS ALREADY BEEN NOTED INTERNATIONALLY.

--THE REPORT DOES NOT OFFER CONSTRUCTIVE CONTRIBUTIONS. AT TIMES IT APPEARS TO BE POLITICAL IN NATURE, SOMETHING WHICH IS OUTSIDE OF THE COMPETENCY AND GOALS OF THE COMMISSION.

7. (U) AFTER POINTING OUT THESE SHORTCOMINGS THE ARGENTINE GOVERNMENT'S REBUTTAL WENT ON TO SAY THAT THE CONTENTS OF THE REPORT WOULD CAUSE THE ARGENTINE PUBLIC TO "DOUBT THE APTITUDE AND EQUANIMITY OF THE COMMISSION TO HELP ACHIEVE THE HIGH GOALS OF THE INTER-AMERICAN SYSTEM." IT /STRESSES AGAIN THE POINT THAT THE REPORT VIRTUALLY IGNORED THE EVENTS WHICH LEAD TO THE GOVERNMENT'S ACTIONS AND THE RECENT IMPROVEMENT IN THE SITUATION IN ARGENTINA. IT THEN LAUNCHES INTO A "CONCISE HISTORY" OF THE TERRORISM THAT EXISTED AND THE PRESENT SITUATION.

8. ~~(C)~~ THUS FAR THE FACT THAT THE GOA CHOSE TO PUBLISH ONLY THE COMMISSION'S CONCLUSIONS HAS NOT BEEN A MATTER OF MUCH CONCERN TO THE ARGENTINE PUBLIC, AND IT PROBABLY NEVER WILL. LAST WEEK--IN A SPEECH DELIVERED BY PRESIDENT VIDELA--THE GOA REASSERTED ITS BELIEF THAT "ONLY THE ARGENTINE PUBLIC CAN OR HAS THE RIGHT TO JUDGE THIS GOVERNMENT'S PAST ACTIONS." THE FACT THAT CONDEMNATORY

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PORTIONS OF THE REPORT WERE PUBLISHED (ALBEIT IN BRIEF) INDICATES THAT THE GOA IS APPARENTLY CONFIDENT OF WHAT THAT JUDGMENT WILL BE.

9. (U) "ARGENTINES WOULD LIKE TO PUT THIS PAINFUL PART OF THEIR PAST BEHIND HIM" ECHOED A CLARIN EDITORIAL. THE BUENOS AIRES HERALD WAS THE ONLY PAPER WHICH COMPLAINED ABOUT THE FACT THAT THE ENTIRE TEXT OF THE REPORT WAS NOT MADE AVAILABLE. ACCORDING TO THE HERALD'S APRIL 19 EDITORIAL, BY NOT PUBLISHING THE ENTIRE REPORT THE GOA IS HAMPERING THE ABILITY OF THE PUBLIC TO MAKE A "PROPER JUDGMENT" ON WHAT HAS HAPPENED. BUT THE HERALD ALSO Concedes THAT EVEN WITH THE RELEASE OF THE FULL REPORT, THE ARGENTINE PUBLIC'S JUDGMENT OF THE GOA'S ACTIONS WOULD NOT HAVE BEEN A HARSH ONE.

10. ~~(C)~~ IN ITS APRIL 20 EDITORIAL, LA NACION BLASTED THE IAHRC ALONG THE SAME LINES THE GOA HAD USED IN ITS FORMAL REPLY--NOT SURPRISING CONSIDERING THE DAILY'S "OFFICIALIST POSTURE." LA NACION ADMITTED THAT THERE HAD BEEN SOME "ERRORS OR INJUSTICES" IN THE GOA RESPONSE TO TERRORISM, BUT THIS DID NOT ERASE THE FACT THAT THE REPORT LACKED OBJECTIVITY AND WAS ERRONEOUS. LA NACION WENT ON TO ACCUSE THE COMMISSION OF NOT HANDLING THINGS IN "A GENTLEMENLY MANNER" AND OF USING METHODS "SCORNFUL OF ARGENTINE DIGNITY." THE EDITORIAL ENDED BY STATING "ALL ARGENTINES SUPPORTED

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THE STRUGGLE AGAINST SUBVERSION. THEY UNDERSTOOD WHAT WAS HAPPENING. AND BECAUSE THEY DID SO, THEY SUPPORT THOSE WHO HAD TO CONFRONT A HARD AND DIFFICULT DUTY." / EMBASSY COMMENT: ONLY TIME AND GREATER FREEDOM OF EXPRESSION CAN CONFIRM THE EXTENT TO WHICH THESE SENTIMENTS REFLECT THE ARGENTINE CONSENSUS. WE HAVE OFTEN REPORTED THOUGH THE SHALLOWNESS OF PUBLIC CONCERN OVER HUMAN RIGHTS VIOLATIONS--IT HARDLY EXTENDS BEYOND THOSE DIRECTLY MADE TO SUFFER BY THE REPRESSION. / END COMMENT.

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11. (U) IN A SPEECH GIVEN IN MISIONES ON APRIL 23 PRESIDENT VIDELA APPEARS TO HAVE AIMED HIS OWN COUP DE GRACE AT THE REPORT. ON THE ONE HAND, ACCORDING TO VIDELA, THE GOA DECIDED TO PUBLISH THE CONCLUSIONS OF THE REPORT BECAUSE "THE GOVERNMENT DOES NOT IGNORE THE CONTENTS OF THE DOCUMENT...AND THERE IS NO ATTITUDE OF CONCEALMENT." ON THE OTHER HAND "THESE CONCLUSIONS HELP US TO REITERATE THAT THE OAS REPORT WAS UNJUST, EXCESSIVE, SUBJECTIVE, AND, I WOULD SAY, LACKING IN RESPONSIBILITY." THE VIDELA SPEECH ENDED ON AN INTERESTING NOTE. CONTRARY TO HIS USUAL LINE VIDELA SAID THAT IN HIS OPINION THE DAYS OF TERRORISM WERE NOT YET OVER, "IF AFTER THESE FOUR YEARS I AM ASKED IF THE WAR IS OVER I WOULD NOT VENTURE TO SAY YES. I WOULD HAVE TO SAY NO."

12. ~~(C)~~ IF THE PUBLIC WAS MOLLIFIED BY THE GOVERNMENT'S

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HANDLING OF THE REPORT, WHAT OF THE MILITARY HARD-LINERS WHO, IT WAS COMMONLY ASSUMED, STOOD READY TO USE THE TOUGH IAHRC REPORT AS A ROD TO BEAT THE VIDELA TEAM FOR EVER HAVING INVITED THE COMMISSION TO ARGENTINA? THIS GROUP HAS NOT YET FOUND ITS TONGUE, BUT WE SPECULATE THAT THE GOVERNMENT'S CONTROLLED HANDLING OF THE REPORT'S CONTENTS FOLLOWED BY ITS TOUGH RESPONSE WILL DEFLATE THE ISSUE. IT WILL REQUIRE INGENUITY TO COOK UP AT THIS POINT/AN ANTI-VIDELA CASE SURROUNDING THIS ISSUE--THOUGH THERE WILL BE THOSE WHO WILL YET TRY.

CASTRO RMZ

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